

# BUYCK LAW FIRM, LLC

ATTORNEYS & COUNSELORS AT LAW

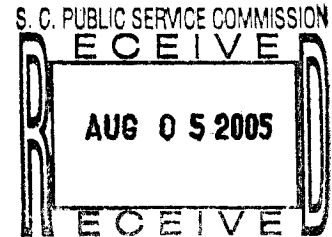
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Hugh W. Buyck  
Darren K. Sanders  
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August 3, 2005

Mr. Charles L. A. Terreni  
Chief Clerk / Administrator  
South Carolina Public Service Commission  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210



Re: Petition of the Office Regulatory Staff to Request Forfeiture of the Bond  
and to Request Authority to Petition the Circuit Court for Appointment of  
a Receiver  
PSC Docket No.: 2005-110-W/S  
Our file No.: 4.02

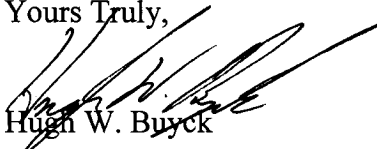
Dear Mr. Terreni:

Enclosed please find an original and one copy of a MOTION FOR LEAVE TO INTERVENE  
OF D. REECE WILLIAMS IV AND ELIZABETH P. WILLIAMS and an ANSWER TO THE PETITION  
OF THE OFFICE OF REGULATORY STAFF BY D. REECE WILLIAMS IV AND ELIZABETH P.  
WILLIAMS in response to the Petition of the Office of Regulatory Staff to request  
Forfeiture of the Bond and to Request Authority to Petition the Circuit Court for  
Appointment of Receiver. We would ask that you please file the original and return a  
clocked in copy for our files.

By copy of this letter to all counsel, we are providing the same, and please do not hesitate  
to contact me should you need anything further.

With kind regards,

Yours Truly,

  
Hugh W. Buyck

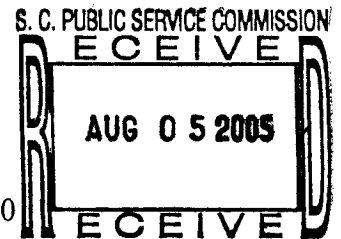
HWB:tg

cc: Louis Lang,, Esquire  
Jessica J. O. King, Esquire  
Benjamin P. Mustian, Esquire

175085

BEFORE THE PUBLIC SERVICE COMMISSION  
FOR THE STATE OF SOUTH CAROLINA

DOCKET NUMBER 2005-110-W/S-ORDER NO. 2005-210



In Re: Petition of the Office of Regulatory Staff to )  
Request Forfeiture of the Piney Grove )  
Utilities, Inc bond and to Request Authority )  
To Petition the Circuit Court for )  
Appointment of a Receiver )

**MOTION FOR LEAVE TO INTERVENE OF  
D. REECE WILLIAMS IV AND ELIZABETH P. WILLIAMS**

D. Reece Williams IV and Elizabeth P. Williams hereby move before the Public Service Commission pursuant to 26 S.C. Reg. 103-836 to intervene in the proceedings in the above-captioned action on the grounds set forth below.

**A. The facts from which the nature of this alleged right or interest can be determined:**

The Office of Regulatory Staff ("ORS") has requested that a performance bond executed by Piedmont Water Company Inc. ("Piedmont"), attached as exhibit A of the Petition of the Office of Regulatory Staff, be forfeited and requesting authority to petition the Circuit Court for appointment of a receiver through the Public Service Commission. The ORS alleges the D. Reece Williams IV is the President and Elizabeth P. Williams is the Vice President of the Piedmont Water Company Inc. Additionally, ORS alleges that Mr. and Mrs. Williams are designated as sureties for the performance bond held in the name of Piedmont Water Company Inc.

ORS has further alleged in a response to a previously filed Motion to Sever and Motion for Joinder of Additional Parties that the sureties of the bond requested to be forfeited are not required to be named as parties to the current proceedings. Within the

response and Motion to Sever, ORS asserts that a judgment against these purported principals conclusively establishes the liability of the surety. ORS contends that non-parties can be bound by judgment under the doctrine of res judicata if one of the parties to the action is so closely in line with interest of the non party as to be its virtual representative. As a result, ORS contends that neither Elizabeth P. Williams nor D. Reece Williams, IV are entitled to present a defense to the alleged request for forfeiture of the bonds nor be given the opportunity to contest the validity of the action.

Elizabeth P. Williams and D. Reece Williams, IV each believe that they have good-faith defenses to the ORS Petition including but not limited to those defenses asserted within their response to the petition filed concurrently herewith.

**B. The grounds of the proposed intervention:**

As stated, the Interveners, D. Reece Williams IV and Elizabeth P. Williams, have filed a concurrent answer to the ORS Petition asserting various affirmative defenses. Within the answer, the petitioners assert that the action is now moot and that the action is premature pursuant to S.C. Code Ann. Section 58-5-710, et. seq. Further, the Interveners assert that the method and manner of the requested relief is in violation of their Due Process rights under the South Carolina and United States Constitutions. The Interveners also have asserted additional affirmative defense to be developed during the scope of discovery.

As recent as July 29, 2005, a Consent Order was entered into between Piney Grove Utilities and SCDHEC prior to a hearing on DHEC's motion for a Temporary Injunction wherein the facilities at issue were placed into a Temporary Receivership with

Richland County. Through this agreement, Richland County has agreed to the following:

- a) serve without bond until further order of the Court;
- b) be empowered to do all things needful to ensure proper operation and maintenance of the facilities;
- c) be empowered to access at all times the facilities and any appurtenances thereto, . . .; and
- d) be empowered to charge reasonable monthly rates, fees and other charges to its customer, and to discontinue service for those customers who do not make timely payment for services or otherwise observe the procedures of the receiver with respect to service.

This agreement constitutes an additional ground for proposed intervention and the affirmative defense of impossibility of performance.

Finally, ORS previously filed a response to Piney Grove Utilities Motion to Sever and Motion for Joinder of Additional Parties. In this, ORS requested the alternative relief of joining D. Reece Williams, IV and Elizabeth P. Williams as parties if determined that they are necessary to properly adjudicate the issues. These individuals assert that such relief is necessary and indispensable.

**C. Position of the petitioner in the proceeding.**

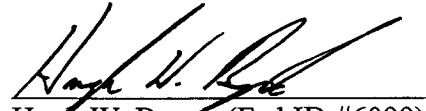
As set forth above, the Interveners, D. Reece Williams, IV and Elizabeth P. Williams, contend that they are necessary and indispensable parties to the actions of the ORS. Their inclusion is necessary for a fair and just adjudication of the merits of the actions, including their good-faith defense to the requested relief. The position of the ORS that any judicial determination by this tribunal will result in claim of res judicata or

stare decisis effectually determines that these individuals deserve the right to present a defense to the alleged claims.


Wherefore, D. Reece Williams, IV and Elizabeth P. Williams respectfully request intervention in the Petition of the ORS for the forfeiture of the bond issued in the name of Piedmont Water Company, Inc.

Respectfully Submitted,

BUYCK LAW FIRM, LLC  
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Hugh W. Buyck (Fed ID #6099)  
Attorney for the Plaintiff

, 2005  
Charleston, South Carolina  
4.02/Motion to Intervene

BEFORE THE PUBLIC SERVICE COMMISSION  
FOR THE STATE OF SOUTH CAROLINA

DOCKET NUMBER 2005-110-W/S-ORDER NO. 2005-210

In Re: Petition of the Office of Regulatory Staff to )  
Request Forfeiture of the Piney Grove )  
Utilities, Inc bond and to Request Authority )  
To Petition the Circuit Court for )  
Appointment of a Receiver )

The undersigned for D. Reece Williams IV and Elizabeth P. Williams, states that he had on August 3, 2005, served upon the necessary parties the **Motion for Leave to Intervene By D. Reece Williams IV and Elizabeth P. Williams and Answer to the Petition of the Office of Regulatory Staff by D. Reece Williams IV and Elizabeth P. Williams**, via U.S. mail, addressed as follows:

Jessica J. O. King, Esquire  
South Carolina Department  
of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201-1708

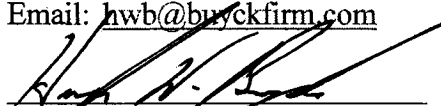
Louis H. Lang, Esquire  
Callison, Tighe and Robinson  
1812 Lincoln Street, Suite 200  
Columbia, SC 29201


Benjamin P. Mustian, Esquire  
C. Lessie Hammonds, Esquire  
Office of Regulatory Staff  
P. O. Box 11263  
Columbia, SC 29211

Respectfully Submitted,

**BUYCK LAW FIRM, LLC**

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Hugh W. Buyck (Fed ID #6099)  
Attorney for the Plaintiff

  
\_\_\_\_\_, 2005  
Charleston, South Carolina  
4.02/Certificate of Service